in the principal case. *Reeves* v. *Corning,* 51 Fed. 774; *Shires* v. *Commoner,* 120 Pa. 368; *Tod* v. *Wick Bros. & Co.,* 36 Oh. St. 370; *Breckbill* v. *Randall,* 102 Ind. 528; *Mason* v. *McLeod,* 57 Kan. 105; *Herdic* v. *Roessler,* 109 N. Y. 127; *Tilson* v. *Gatling,* 60 Ark. 114; *Haskell* v. *Jones,* 86 Pa. 173; *Wyatt* v. *Wallace,* 67 Ark. 575; *State* v. *Cook,* 107 Tenn. 499. But there are many decisions to the contrary by respectable courts and supported by cogent reasoning. *Ex parte Robinson,* 2 Biss. 309; *Castle* v. *Hutchinson,* 25 Fed. 394; *Woollen* v. *Banker,* 2 Flip. 33; *Helm* v. *Bank of Huntington,* 43 Ind. 167; *Crittenden* v. *White,* 23 Minn. 24; *State* v. *Lockwood,* 43 Wis. 403; *Wilch* v. *Phelps* (Neb.), 15 N. W. 361; *Cranson* v. *Smith,* 37 Mich. 309; *Hollida* v. *Hunt,* 70 Ill. 109. Indiana in her earlier decisions (*Helm* v. *Bank of Huntington,* 43 Ind. 167) was in conflict with the holding in the principal case, but in the later decisions her courts have swung to the other side (*Breckbill* v. *Randall,* 102 Ind. 528). The difference between the various courts on this question seems to be not so much a difference in recognition of the principles to be applied but a difference in the emphasis which upon the same set of facts the different courts lay upon either of two principles. All the courts recognize that the state cannot make regulations restrictive of federal grants and privileges, and also that the police power of the state can be legitimately exercised to protect its citizens from all sorts of fraud and imposition. The cases which support the principal holding seem to rest upon the theory that these regulations, copies, affidavits, etc., constitute a valid use of the police power to protect the citizens from the danger of fraud so often present in assignments of patents and that such restrictions, as these regulations may create in the transfer of patent rights, if any, are but incidental. The courts which hold to the contrary see very clearly that these restrictions impede in a measure, and perhaps render less easy, the vending of patent rights, a privilege given by the federal government, and regard the matter of protection to citizens from fraud as a consideration wholly incapable of redeeming the regulations from their taint of attempted restriction of a federal privilege.

TRIAL—QUESTION FOR COURT AND JURY.—In a suit on a note, a counterclaim was set up. The defendant below demanded a special verdict and prepared the interrogatories submitted to the jury. Fraud was an essential issue but no interrogatories respecting it were submitted. No objection was made to the verdict as rendered and the defendant moved for judgment on the verdict. The court below dismissed the counterclaim, finding fraudulent participation on the part of the defendant as a matter of law. *Held,* that if there was any evidence in the case sufficient to raise the question of fraud, it was a question of fact for the jury. *Paulus* v. *O'Neal* (1907), — Wis. —, 111 N. W. Rep. 333.

TIMLIN and SIEBECKER, JJ., dissenting, maintain that the defendant (1) by failing to submit or request interrogatories covering the issue of fraud, and (2) by allowing the discharge of the jury and moving for judgment on the verdict, waived his right to go before the jury on the issues not covered by the special verdict. The exact point in issue has not been raised before in

Wisconsin. Failure to object that all the material issues are not covered by the special interrogatories is no waiver if the special verdict is not accompanied by a general verdict. *Sherman* v. *Menominee River Lumber Co.*, 77 Wis. 14, 45 N. W. 1079; *Jevewin* v. *Irving*, 122 Wis. 228, 99 N. W. 346; *Hidman* v. *City of Phillips*, 106 Wis. 611, 82 N. W. 566. A tendency towards an opposite ruling is found in *Geisinger* v. *Beyl*, 80 Wis. 443, 50 N. W. 50; *Gerhardt* v. *Swaty*, 57 Wis. 24, 14 N. W. 851; *Wright* v. *Mulvaney*, 78 Wis. 89, 46 N. W. 1045, 9 L. R. A. 807, 23 Am. St. Rep. 393; *Schultz* v. *Railway Co.*, 48 Wis. 375, 4 N. W. 399. The general rule is that a special verdict must find all the material facts in issue. *Coleman* v. *St. Paul, Minneapolis and Manitoba R. R.*, 38 Minn. 260, 36 N. W. 638; *People ex rel. White* v. *Doesburg*, 17 Mich. 134; *Leach* v. *Church*, 10 Ohio State Reports 149; *Clay* v. *The State*, 43 Ala. 350; *Bosseker* v. *Cramer*, 18 Ind. 44; *Hillard and Co.* v. *Outlaw*, 92 N. C. 266; *Hill and Sanford* v. *Covell*, 1 N. Y. 522. It is not disputed that a party may waive his right to trial by jury by going to trial before a court. *Love* v. *Bryson*, 57 Ark. 589, 22 S. W. 341; *Bass* v. *Haverhill Mutual Fire Insurance Co.*, 76 Mass. (10 Gray) 400; *Peterson* v. *Ruhnke*, 46 Minn. 115, 48 N. W. 768; *Plummer* v. *Meserve*, 54 N. H. 166. But how far one can acquiesce in a special verdict by requesting a special verdict, submitting the interrogatories himself, accepting the verdict as rendered without objection and finally moving for judgment on that verdict, without waiving his right to go before the jury on points in evidence not answered by the verdict seems undecided. The right to object because the jury answers the interrogatories in argumentative form is waived by failure to object when the verdict is announced. *Manny et al.* v. *Griswold*, 21 Minn. 506. The right to object because two interrogatories are not answered fully is waived by not calling the attention of the court to the defect when the jury comes in. *Ingalls* v. *Allen*, 43 Ill. App. 624, 144 Ill. 535, 32 N. E. 203. When both parties request a verdict and a verdict is rendered with evidence to support it, the defeated party waives the right to go before a jury on a question of fact. *Howell* v. *Wright*, 122 N. Y. 667, 25 N. E. 912. When a person who has submitted particular questions of fact, allows a jury finding a general verdict to be discharged without asking the court to have the questions answered, he is deemed to have waived the right to such answers. *Carrico* v. *West Virginia Cent. & P. Ry. Co.*, 39 West Va. 86, 19 S. E. 571. If a party wishes more interrogatories than are submitted he must request the court to submit them. *Bradley* v. *Bradley*, 45 Ind. 67. The special verdict must incorporate all issuable facts regardless of the fact that counsel agreed that a certain question might be answered in the affirmative, 201 Pa. St. 645.

WILLS—DOCTRINE OF INCORPORATION BY REFERENCE.—Testatrix left an instrument duly signed and attested with prescribed formalities, directing a disposition of her property at her death in accordance with a certain deed of trust of even date of will. *Held*, that the above instrument though signed and attested was insufficient to constitute a will since the doctrine of "Incorporation by Reference" did not apply in Connecticut. *Hathaway et al.* v. *Smith* (1907), — Conn. —, 65 Atl. Rep. 1058.